

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/251,183 02/17/99 LIN

M MSLIN98-0020

MM12/0720

EXAMINER

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POUGHKEEPSIE NY 12603

WARREN, M

ART UNIT PAPER NUMBER

2815

DATE MAILED:

07/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	Examiner	Group Art Unit	
<i>—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—</i>			
<b>Period for Reply</b>			
<i>30 days</i>			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> </ul>			
<b>Status</b>			
<p><input type="checkbox"/> Responsive to communication(s) filed on _____</p> <p><input type="checkbox"/> This action is <b>FINAL</b>.</p> <p><input type="checkbox"/> Since this application is in condition for allowance except for formal matters, <b>prosecution as to the merits is closed</b> in accordance with the practice under <i>Ex parte Quayle</i>, 1935 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p><input checked="" type="checkbox"/> Claim(s) _____ <i>1-79</i> is/are pending in the application.</p> <p><input type="checkbox"/> Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p><input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p><input type="checkbox"/> Claim(s) _____ is/are rejected.</p> <p><input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p><input checked="" type="checkbox"/> Claim(s) <i>1-79</i> are subject to restriction or election requirement.</p>			
<b>Application Papers</b>			
<p><input checked="" type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.</p> <p><input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.</p> <p><input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p><input type="checkbox"/> The specification is objected to by the Examiner.</p> <p><input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<b>Priority under 35 U.S.C. § 119(a)-(d)</b>			
<p><input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p><input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.</p> <p><input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____</p> <p><input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>*Certified copies not received: _____</p>			
<b>Attachment(s)</b>			
<p><input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ <input type="checkbox"/> Interview Summary, PTO-413</p> <p><input type="checkbox"/> Notice of Reference(s) Cited, PTO-892 <input type="checkbox"/> Notice of Informal Patent Application, PTO-152</p> <p><input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948 <input type="checkbox"/> Other _____</p>			
<b>Office Action Summary</b>			

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***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 29-48, drawn to a semiconductor device, classified in class 257, subclass 758.
  - II. Claims 1-25, 49-79, drawn to a method of making semiconductor devices, classified in class 438, subclass 1+.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by processes materially different from those of the group II invention, for example, by growing and insulting/passivation later instead of depositing.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the fields of search are not co-

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extensive and separate examination would be required, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication should be directed to the Group Receptionist at telephone number (703) 308-0956.

Mahshid Saadat  
Supervisory Patent Examiner  
Technology Center 2800

mb/mds  
June 24, 1999